



**U.S. Army Corps
Of Engineers**
Norfolk District

PUBLIC NOTICE

PROPOSED AMMENDMENTS AND RE-AUTHORIZATION OF NORFOLK DISTRICT'S
REGIONAL PERMIT NUMBER 18

The Norfolk District Corps of Engineers is proposing to amend some of the language in the Regional Permit 18 to clarify the intended purpose of this permit and to extend the expiration date to 31 December 2012.

Paragraph 3 will be changed to read as follows: The intent is to provide a streamlined permitting process for those activities listed in paragraph 1 that do not adversely affect general navigation and the aquatic environment.

Paragraph 4 will be changed to read as follows: Specifically, proposed activities may exceed the limitation of one-fourth of the width of the waterway specified in the Norfolk District's Regional Permit Number 17 provided the Corps determines the proposed activity does not adversely affect general navigation and/or the environment. In addition, piers constructed over wetlands do not have to meet the criteria of Regional Permit Number 17 (a maximum of 5 feet wide and at least 4 feet high between the decking and the wetlands) if the applicant submits a demonstrated need and the Corps determines that the pier as proposed will have minimal environmental impacts. For an application to be considered complete, the Corps may require depth soundings across the waterway at increments designated by the Corps project manager, with the date and time the measurements were taken and how they were taken (e.g., tape, range finder). The applicant must also provide a justification as to why they propose to extend the pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands or build a pier greater than 5 foot wide or less than 4 feet high over any wetlands.

Under the General conditions portion of the permit, paragraph 25 will be changed to read as follows: The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

No other changes to the RP-18 are being proposed. The current RP-18 can be viewed on our website at:

<http://www.nao.usace.army.mil/technical%20services/Regulatory%20branch/RBregional.asp>

APPLICATION EVALUATION

The decision to amend and re-authorize this permit is based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision reflects the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected from the proposal, must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to modify condition or withdraw this authorization. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 15 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings.

Any person may request a public hearing to present views, opinions and information on this Order. The request must be submitted in writing to the District Commander within 15 days of the date of the notice and state specific reasons for holding the public hearing. A public hearing will be granted unless the District Commander determines, in writing, that there are no substantial issues to be addressed in the public hearing or that no valid interest will be served by the hearing.

COMMENT PERIOD

Replies to this notice should be made in writing, addressed to the Norfolk District, Corps of Engineers (Attn: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, e-mail Richard.E.Henderson@nao02.usace.army.mil and should reach this office not later than the close of business on **24 February, 2007**. Should you have any questions about the contents of this advertisement, please call Mr. Rick Henderson at telephone 757-201-7653.

FOR THE DISTRICT COMMANDER:

MICHAEL A. SCHWINN
Acting Chief, Northern Virginia
Regulatory Branch